

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

KRYSTAL LYNN BURKE,

Defendant.

4:13CR3068

DETENTION ORDER

Due to the defendant's erratic behavior prior to and during the hearing convened for her change of plea, a urine sample was collected immediately after the hearing and subjected to drug testing. The pretrial services officer showed the physical test kit along with the testing results to the undersigned magistrate judge. The defendant's urine was positive for amphetamines.

The defendant was previously released on conditions, but she violated the terms of that release by using illegal drugs. The court finds the defendant cannot be trusted to comply with the conditions of pretrial supervision and, as such, defendant's release would pose a risk of harm to the community and a risk of flight.

Although the defendant insisted on entering her change of plea during today's hearing, the court refused to conduct the hearing due to the serious risk that the defendant was under the influence of methamphetamine while seated in the courtroom and potentially during the time frame when she reviewed and signed her petition to enter a plea of guilty and her plea agreement.

Accordingly,

IT IS ORDERED:

- 1) To afford the defendant an opportunity to become sober, and to again review her plea agreement and petition and attend her plea hearing while not under the influence of any mind-altering substance, Defendant's plea

hearing is continued and will be held before the undersigned magistrate judge on December 20, 2012 at 11:00 a.m.. The defendant is ordered to appear at this hearing.

- 2) The defendant is committed to the custody of the Attorney General or a designated representative for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or held in custody pending appeal. The defendant must be afforded a reasonable opportunity to consult privately with defense counsel. On order of United States Court or on request of an attorney for the Government, the person in charge of the corrections facility must deliver the defendant to the United States marshal for a court appearance.
- 3) The Court finds that the ends of justice served by continuing defendant's plea hearing outweigh the best interest of the defendant and the public in a speedy trial. Accordingly, the time between today's date and the district court judge's acceptance or rejection of the anticipated plea of guilty shall be excluded for speedy trial calculation purposes. 18 U.S.C. § 3161(h)(7).

November 26, 2013.

BY THE COURT:

s/ Cheryl R. Zwart
United States Magistrate Judge